ORDINANCE NO. 1, SERIES 1925

AN ORDINANCE TO PROVIDE THE CARRYING INTO EFFECT IN THE CITY OF ELGIN, UNION COUNTY, OREGON, OF THE INITIATIVE AND REFERENDUM POWERS RESERVED TO THE LEGAL VOTERS OF STATE OF OREGON, AND THE POWERS TO ENACT AND AMEND THEIR MUNICIPAL CHARTERS RESERVED TO LEGAL VOTERS OF CITIES AND TOWNS BY SECTION 2 OF ARTICLE XI OF THE CONSTITUTION OF THE STATE OF OREGON, AND PROVIDING PENALTIES FOR VIOLATIONS OF THIS ACT, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELGIN:

SECTION 1. The following shall be substantially the form of a petition for any ordinance or amendment to the charter proposed by the Initiative.

WARNING

It is a felony for any one to sign any Initiative or Referendum petition with any other name other than his own, or to knowingly sign his name more than once for the same measure, or to sign petition when he is not a legal voter.

INITIATIVE PETITION

To the Honorable _____,

Recorder of the City of Elgin,

Union County, Oregon.

We, the undersigned, citizens and legal voters of the City of Elgin, Union County, Oregon, respectfully demand that the following proposed ordinance (for amendment to the city charter) shall be submitted to the legal voters of the City of Elgin, Union County, Oregon, for their approval or rejection at the regular (or special) city election to be held on the ___day of _____, 19____, and eachfor himself says: I have personally signed this petition; I am a legal voter of the City of Elgin, Union County, Oregon, and my residence and street number are correctly written after my name.

NAME RESIDENCE STREET NUMBER

_____ _____ _____

(Here follow twenty numbered lines for signatures.)

SECTION 2. The following shall be substantially the form of petition for Referendum to the people on any ordinance passed by the City Council.

WARNING

It is a felony for any one to sign any Initiative or Referendum petition with any other name than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when he is not a legal voter.

REFERENDUM PETITION

To the Honorable _____,

Recorder of the City of Elgin,

Union County, Oregon.

We, the undersigned, legal voters of the City of Elgin, Union County, Oregon, respectfully demand that Ordinance No. _____ entitled (the title fo the ordinance on which the referendum is sought), passed by the Council of the City of Elgin, at its meeting on the ___day of _____, 19___, shall be submitted to the legal voters of the City of Elgin for their approval or rejection at the regular (or special) city election to be held on the ____day of _____, 19____; and each for himself says: I haver personally signed this petition; I am a legal voter of the City of Elgin, Union County, Oregon, and my residence and street number are correctly written after my name.

NAME RESIDENCE STREET NUMBER

(Here follow twenty numbered lines for signature.)

SECTION 3. Each and every sheet of every petition for either initiative or referendum containing signatures shall be verified on the back thereof in substantially the following from by the person who circulated such sheet of said petition by affidavit thereon as follows:

STATE OF OREGON)
COUNTY OF UNION (ss
CITY OF ELGIN)

I, _____, being first duly sworn, say that every person who signed this sheet of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, residence and street number correctly, and that each signer is a legal voter of the City of Elgin.

_____

Subscribed and sworn to before me this _____day of _____, A.D., 19_____.

_____
(Signature and title of officer and his residence)
(Date of expiration of official commission)

SECTION 4. The forms herein given are not mandatory and if substantially followed in any petition it shall be sufficient, disregarding clerical and technical errors.

SECTION 5. Not more than twenty signatures shall be signed to one sheet of a petition, and a full and correct copy of the title and text of the measure demanded for submission by the Initiative or referendum petition, as the case may be, shall be attached to each sheet circulated for signature, and such full and correct copy of the title and text shall be shown to the voter before his signature is attached.

SECTION 6. The Recorder of the City of Elgin shall accept for filing any petition for the Initiative or for the Referendum, subject to the verification of the number and genuineness of the signatures and voting qualifications of the persons signing the

same by reference to the registration books in the office of the County Clerk of Union County, and if a sufficient number of qualified voters be found to have signed this petition, he shall file same within ten days after presentation thereof to him.

SECTION 7. Initiative petitions for any proposed ordinance, charter amendment or measure shall be signed by a number of legal voters equal to fifteen per centum of the votes cast for mayor at the last preceding municipal election. Referendum petitions against any ordinance or measure proposed by the City Council shall be signed by a number of legal voters equal to ten per centum of the votes cast for mayor at the last regular preceding municipal election.

SECTION 8. An amendment to the charter of the City of Elgin may be proposed and submitted to the legal voters thereof by resolution of the city council without an Initiative petition; said resolution shall be filed with the Recorder for submission not later than fifteen days befoe the election at which it is to be voted upon, and no amendment to the charter shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of said City.

SECTION 9. Where an amendment to the charter of the City of Elgin may be proposed and submitted to the legal voters thereof by resolution of the City Council without an Initiative petition, the said resoltuion shall therein state the date of the regular municipal election, or the date of a special election at which said resolution will be submitted to be voted on.

SECTION 10. When any measure for Initiative or Referendum legislation shall be filed by the Recorder after the number and genuineness of signatures thereto, as provided by Section 6, supra, has been ascertained, or when any resolution of the City Council shall be filed with the Recorder as provided in Section 8 herein, the Recorder shall forthwith transmit to the attorney of said municipality a copy of such measure, who shall within five

days provide and return to the Recorder a ballot title for such measure. The ballot title shall be printed with the number of the measure on the official ballot. In making such ballot title said attorney shall to the best of his ability give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be an argument for, or liable to create prejudice against such measure. Any person who is dissatisfied with the ballot title provided by the said attorney for any such measure may within five days after said ballot title is returned to the Recorder appeal to the Council asking a different title and giving the reason therefor, and stating why the title prepared by the said attorney is improper, and the Council shall by resolution approve the ballot title prepared by said attorney, or shall be resolution prescribe another ballot title therefor, and the ballot title so approved or so prescribed by the Council shall be the title placed upon the ballot. Such ballot title shall be in no case to exceed one hundred words, and shall not resemble in so far aspossible any other ballot title filed for any measure. The Recorder of the City of Elgin shall number such mueasures and ballot title in the most convenient and consecutive manner. The affirmative of the first measure shall be numbered 100 and the negative 101 in numberals, and the succeeding measures shall be numbered 102, 103, 104, 105 and son on. It will be the duty of the Recorder to print such ballot titles and numbers upon the official ballot. Measures refered to the voters by petition shall be designated "Referendum ordere d by petition of the people." Measures proposed by the Initiative petition shall be designated "Proposed by Initiative petition." Charter amendments submitted by the Council without initiative petition shall be designated "Charter amendments submitted to the voters by the council".

PROVIDED, HOWEVER, That when charter amendments are to be submitted to the voters by resolution of the Council as this ordinance provided, the Council may in said resolution provide for a ballot title for the measure so to be submitted, and in event such provision being made by the Council the hereinabove provisions of this section relative to the filing of the measure with the City Attorney, the preparation by said attorney of a ballot title therefor, and the appeal to the Council from the ballot title so prepared shall not apply.

SECTION 11. Where a special election is called either on petition for porposed ordinances or charter amendments by the Initiative, or for submitting ordinances by the Referendum, or on charter amendments porposed by resolution of the Council, the Recorder shall publish such proposed ordinances, referendum measure or charter amendment with the ballot title and number, in full in a newspaper published in the City of Elgin, to be designated by the Council in the resolution submitting such measure, for two consecutive publications within the fifteen days immediately preceding the special election at whcih said proposed ordinance, refereddum measure or charter amendment is to be voted on. A like rule as to publication shall be observed where proposed ordinances, referendum measure or charter amendments are to be submitted at the regular election.

SECTION 12. Legal voters of Elgin are qualified to sign a petition for the referendum or for the initiative or for any measure which he is entitled to vote upon. Any person signing any name other than his own to a peition, or knowingly signing his name more than once for the same measure at one election, who is not at the time of signing the same a legal voter in the City of Elgin, or any officer or other person violating any of the provisions of this ordinance, shall upon conviction thereof be punished by a fine not exceeding One Hundred Dollars, or by imprisonment in the city jail not exceeding twenty days, or by both fine and imprisonment in the

discretion of the municipal court.

SECTION 13. The manner of voting upon measures submitted to the legal voters shall be the same as now is or may hereafter be provided by law. No measure shall be adopted unless it shall receive the affirmative majority of the total number of legal votes cast on such measure and entitled to be counted thereon. If two or more laws on the same subject or containing provisions that are conflicting, shall be approved by the voters at the same election, the measure receiving the greatest number of affirmative votes shall be proclaimed to be the law adopted.

SECTION 14. The votes on measures and charter amendments shall be counted, canvassed, and returned as votes for candidates are counted, canvassed, and returned.

SECTION 15. The mayor shall within fifteen days from the time of such election proclaim by publiaction thereof in full, once in a newspaper published in the City of Elgin, or by posting printed or typewritten copies of such proclamation in at least two conspicuous places in said municipality, the adoption of such measure and amendment whichshall have received the affirmative majority of the total number of votes cast thereon, and upon such proclamation, such measures and amendments shall become in full force and effect, except in cases provided for in Section 13 with reference to two or more laws on the same subject or containing provisions that are conflicting. In cases of ordinances which have been passed by the Council and voted upon by referendum, proclamation of the result of such vote shall also be made, and such ordinance shall continue in effect or cease to be in effect, according to such result from the time of such proclamation.

SECTION 16. Where referendum petitions shall be signed by the required number of legal voters against any ordinances passed by the Council, same shall be filed with the Recorder within thirty days after the passage and approval of the ordinance in question.

No ordinace shall take effect and become operative until thirty days after its passage by the Council and approval by the mayor, or passage by a two-thirds vote over the veto of the mayor, except emergency measures necessary for the immediate preservation of the peace, health or afety of the city; and no such emergency measure shall become immediately operative until same is passed by a two-thirds majority of all the members of the Council and also approved by the Mayor.

SECTION 17. All ordinances and parts of ordinances in conflict herewith be, and the same hereby are repealed.

WHEREAS, It is necessary that certain proposed charter amendments affecting the health of said City be submitted to the voters thereof at as early a date as possible, and in order so to do it is necessary to enact this ordinance, therefore

AN EMERGENCY is hereby declared to exist and this ordinance shall immediately go into force and effect upon its adoption and approval.

Passed by the Council this 1st day of April, 1925, by the following vote:

YEAS 5

NAYS none

Submitted to the Mayor this 1st day of April, 1925.

Approved by the Mayor this 1st day of April, 1925.

E. I. Hansen
Mayor

ATTEST:

J.M. Cummins
Recorder